

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GRADY LOUIS, #554236,

Plaintiff,

v.

CRAIG WATKINS, et al.,

Defendants.

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NO. 3:05-CV-1396-L

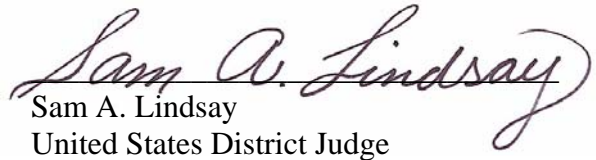
ORDER

This is a civil rights action brought under 42 U.S.C. §§ 1981 and 1983 by a prisoner against his former attorney, an Assistant District Attorney and Officer Tommy Pope of the Abilene Police Department. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On June 13, 2005, the Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct in recommending: (i) dismissal with prejudice as frivolous of Plaintiff's claims against Officer Tommy Pope regarding the planting of drugs and lying to Plaintiff's parole officer, until such time as Plaintiff satisfies the conditions set forth in *Heck v. Humphrey*, 521 U.S. 447 (1994); (ii) dismissal of Plaintiff's remaining claims with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(B) without regard to future satisfaction of the *Heck* conditions; and (iii) that dismissal of this action will count as a "strike" or "prior occasion" within the meaning of 28 U.S.C. § 1915(g). Accordingly, the

magistrate judge's findings are **accepted** as those of the court. Plaintiff's claims against Officer Tommy Pope regarding the planting of drugs and lying to Plaintiff's parole officer are **dismissed with prejudice as frivolous** until such time as Plaintiff satisfies the conditions set forth in *Heck*, *supra*. Plaintiff's remaining claims are **dismissed with prejudice** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(B) without regard to future satisfaction of the *Heck* conditions. Dismissal of this action will count as a "strike" or "prior occasion" within the meaning of 28 U.S.C. § 1915(g). A final judgment dismissing this case with prejudice will issue by separate document.

It is so ordered this 21st day of September, 2006.


Sam A. Lindsay
United States District Judge